

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Luis A. Flores
Plaintiff

CA No. *05-11854-NMG*

JURY DEMAND

05-11854NMG

VERIFIED COMPLAINT

Referred to CHMT no bail

Jurisdiction

1. The Court has jurisdiction pursuant to 42 U.S.C. §§ 1983, 1985, 1986, 1988; 28 U.S.C. §§ 1331, 1343. (Plaintiff has exhausted such administrative remedies as are available.)

2. The Court has supplemental jurisdiction under 28 U.S.C. § 1367 over all claims arising under Massachusetts law.

3. The Court has jurisdiction under the doctrines of judicial estoppel, equitable estoppel, and equitable tolling.

Parties

4. Plaintiff *Luis A. Flores* is a prisoner at the

~~rehab.~~
5. Defendant *Michael Makony*
Kathleen Denndy

6. Defendant *Peter Allen*

Facts

7. Plaintiff *Luis A. Flores* has been in restrictive confinement at Cedar Junction from *NOV. 95* to *June, 2004*.

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8. Plaintiff has for that time been deprived of treatment programs mandated by law as applicable to other prisoners in restrictive confinement and to prisoners in general population.

9. Such deprivations have been enforced through physical assaults, destruction of legal papers and materials, confiscation of properties, imposition of levies and tributes, and coercive cognitive management.

10. Plaintiff has suffered the injury of a coercive atmosphere of terror, intimidation and violence as a result of defendants' failure to adequately oversee, train, supervise and control the blatant misuse of force against prisoners by correctional personnel.

11. Plaintiff had been locked in cells 22½ hours a day.

12. Plaintiff had suffered severe restrictions of or denied:
a) work assignments, b) school attendance, c) church attendance, d) recreation, and other rights and privileges.

13. Plaintiff had been denied statutorily mandated programs under MGL c. 127, § 48, MGL c. 124, MGL c. 127 § 129D, MGL 127, §§ 32, 39, and 103 CMR 421,

Causes of Action

Plaintiff incorporates by reference, to all cause of action counts, the verified allegations above, and incorporate by reference each succeeding count below.

Count 1. Defendants have violated plaintiff's rights to due process and equal protection under the Fifth and Fourteenth Amendments as secured by 42 U.S.C. 1983; Articles 1 and 10 of the Massachusetts Declaration of Rights.

Count 2. Defendants have violated plaintiff's rights to rehabilitative treatment programs.

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Count 3. Defendants have violated plaintiff's rights under MGL c. 12, §§ 11H, 11I; MGL c. 265, §§ 37, 39.

Count 4. Defendants have violated plaintiff's right to freedom of speech and access to the courts in violation of the First, Fifth and Sixth Amendments to the Constitution, and Articles 11 and 16 of the Massachusetts Declaration of Rights.

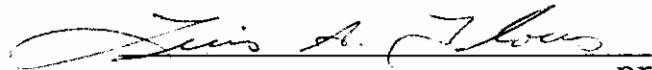
Relief

WHEREFORE, plaintiff asks for judgment as follows:

1. Declare that the defendants have violated plaintiff's rights under the United States and Massachusetts Constitutions on all causes of action.
2. Declare that the defendants have violated all the cited laws in the Causes of Action.
3. Enjoin the defendants to restore all privileges, rights, property and programs status quo ante.
4. Judicially and equitably estop defendants from pleadings that contravene final judgments brought down in relation to this action.
5. Equitably toll all statute of limitations that precludes plaintiff from seeking relief for grievances within the limits of plaintiff's causes of action.
6. Award plaintiff compensatory damages.
7. Award plaintiff punitive damages.
8. Trial on all issues triable.
9. Attorney fees and costs.
10. Such other relief as the Court deems just.

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Respectfully submitted,

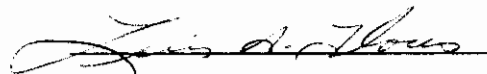

Luis A. Flores pro se

Date: 9-02-05

VERIFICATION

Plaintiff Luis A Flores declares that the contents of the foregoing Verified Complaint are true to his knowledge and belief.

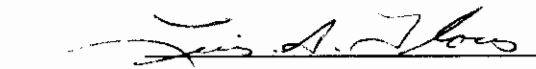
Signed under the pains and penalties of perjury this September day of 02 - 2005.


Luis A. Flores pro se

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of the defendants by first class mail.

Date: 9-02-05


Luis A. Flores pro se